

REMARKS

Claims 1, 6, 8, 10-13, 20-25, 30, 34, 35, 40, 44, 45, 50, and 54 were pending and presented for examination and in this application. In an Office Action dated February 23, 2010, claims 1, 6, 8, 10-13, 20-25, 30, 34, 35, 40, 44, 45, 50, and 54 were rejected. Claims 1, 13, 25, 30, 35, 40, 45, and 50 have been amended and new claims 55-62 have been added.

In view of the Amendments herein and the Remarks that follow, reconsideration of all outstanding objections and rejections, and withdraw them, is now requested.

Rejection under 35 USC §101 Now Obviated

Claims 35, 40, and 44 are rejected under 35 USC §101, as allegedly being based on non-statutory subject matter. The claims have now been amended to recite “a non-transitory computer readable storage medium.” As amended, these claims now recite patentable subject matter. Reconsideration and withdrawn of the rejection is requested.

Claims Not Obvious Under 35 USC §103(a)

Claims 1, 10, 11, 12, 25, and 45 are rejected under 35 USC §103(a) as allegedly being unpatentable in view of U.S. Patent Application Publication No. 2004/0013130 ("Blanchet"), in view of Waddington (Realizing the Transition to IPv6) and further in view of Stevens (TCP/IP Illustrated, Volume 1: The Protocols); claims 6, 13, 20, 22, 23, 24, 30, 34, 35, 40, 44, 50, and 54 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable, over Blanchet in view of Waddington, Stevens and RFC 3053 (IPv6 Tunnel Broker); claim 8 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable, over Blanchet in view of Waddington, Stevens as applied to claim 1, and further in view of U.S. Patent No. 6,810,411 ("Coughlin"); claim 21 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable, over Blanchet in view of Waddington, Stevens and RFC 3053 as applied to claim 20, and

further in view of U.S. Patent Application Publication No. 2003/0074461 ("Kang"). This rejection is respectfully traversed.

Claims 1, 13, 25, 30, 35, 40, 45, and 50 have been amended to clarify that the IPv6 connect agent is different from the Domain Name System server. Support for the amendments can be found in, for example, the paragraphs [0018] to [0021] of the specification and FIGS. 1A, 1B, and 1C.

Paragraph 6 of the Office Action alleges disclosure of “transmitting a query (Blanchet, [32]) identifying the IPv6 enabled node to **a server (v6v4, pg. 4).**” (Emphasis added). However, the “server element” disclosed on page 4 of v6v4 is one of the information items included in the “tunnel message” transmitted from the “tunnel client 50” to the “tunnel broker server 60,” and therefore is not the “server.” Page 2 of v6v4 discloses the definitions of the “tunnel broker,” the “tunnel server,” and the “tunnel client.” The “tunnel client” transmits a query to the “tunnel broker” to establish a tunnel (IPv6 over IPv4) between the “tunnel client” and the “tunnel server.” The “tunnel broker” receiving the query finds a suitable “tunnel server,” and asks the “tunnel server” to setup the tunnel. Thus, the tunnel is established. The paragraph [0036] and FIG. 3b of Blanchet disclose that “if DNS delegation has been requested, the tunnel broker 60 configures its DNS servers for the DNS delegation by writing the tunnel client’s DNS server addresses to DNS servers associated with the tunnel broker server 60.” Accordingly, it is clear from the disclosure of Blanchet and v6v4 that the “tunnel broker,” the “tunnel server,” the “tunnel client,” and the “DNS server” are different devices.

Next, paragraph 6 of the Office Action alleges that “receiving, from the server, a list...” recited in claim 1 is disclosed in the paragraphs [0031] to [0034], and [0045] and

FIGS. 2 and 7 of Blanchet, and page 4 of v6v4. We disagree. According to the disclosure in those paragraphs of Blanchet, the “tunnel client 50” transmits the “version of the tunnel setup protocol” to the “tunnel broker server 60.” If the “tunnel broker server 60” is not provisioned to support the tunnel client’s version of the tunnel setup protocol, the “tunnel broker server 60” returns an alternative list of tunnel broker servers to the “tunnel client 50.” The “tunnel client 50” receiving the list can utilize another “tunnel broker server 60.” Accordingly, the “tunnel broker server 60,” which is currently connected to the “tunnel client 50,” returns the list to the “tunnel client 50,” which is not what is now claimed.

Continuing, paragraph 6 of the Office Action also alleges that “Blanchet does not show all of: where the communication is through a DNS server and transmitting the name of a desired server/agent to the DNS server and receiving an address of said server/agent from the DNS server”, but then alleges that “Waddington shows where the communication is through a DNS server (pg. 139, col.2).” Further, paragraph 6 of the Office Action alleges that “Blanchet in view of Waddington do not explicitly show transmitting the name of a desired server/agent to the DNS server and receiving an address of said server/agent from the DNS server (pgs. 2, 10-14)”, but then alleges “Stevens shows it.” We disagree.

As explained above, the “tunnel broker server 60” of Blanchet is different from the “DNS server.” For this reason, even if the disclosure of Blanchet is modified in view of Waddington and Stevens, the “tunnel broker server 60” of Blanchet, which is currently connected to the “tunnel client 50,” returns the list to the “tunnel client 50” and not the “DNS server” disclosed in these references. This is because the “DNS server” disclosed in Waddington and Stevens can only receive from the “tunnel client,” a domain name of the “tunnel endpoint” (which is the destination node with which the “tunnel client” is trying to

communicate through the “tunnel broker” and the “tunnel server”, and therefore is different from the “tunnel broker”), and then return the IP address of the “tunnel endpoint” to the “tunnel client” (page 139 of Waddington, pages 2 and 10-14 of Stevens, and the Applicant’s remarks filed on July 2, 2009).

Hence, the proposed combination fails to disclose what is claimed. Accordingly, none of the applied references, alone or in combination, discloses “receiving, from the Domain Name System server, a list comprising at least one name of an IPv6 connect agent determined by the Domain Name System server based on an identifier of the IPv6 enabled node included in the query, the IPv6 connect agent connecting the IPv6 enabled node to a network containing IPv4 components, and the IPv6 connect agent being different from the Domain Name System server” as now recited in claim 1.

In addition to the above, according to the disclosure of Blanchet, the “tunnel client 50” has to be connected to at least one “tunnel broker server 60” to obtain an alternative list of tunnel broker servers (paragraphs [0031] to [0034]). On the other hand, even if the “IPv6 enabled node” of the amended claim 1 is disconnected from any “IPv6 connect agent,” the “IPv6 enabled node” can receive “a list comprising at least one name of an IPv6 connect agent” only by “transmitting a query identifying the IPv6 enabled node to a Domain Name System server.” This effect cannot be achieved even if the disclosure of Blanchet is modified in view of Waddington and Stevens. Similar remarks can apply to the amended independent claims 13, 25, 30, 35, 40, 45, and 50. Accordingly, none of these references, alone or in combination, discloses the features of the amended independent claims 1, 13, 25, 30, 35, 40, 45, and 50. Thus, the amended claims 1, 13, 25, 30, 35, 40, 45, and 50 are patentably distinct, and allowance of these claims is requested.

Claims 6, 8, 10-12, 20-24, 34, 44, 54-62 depend from the amended independent claims 1, 13, 25, 30, 35, 40, 45, and 50, and therefore include all the limitations of the amended independent claims; and for at least the reasons set forth above are also patentably distinct over the art of record and in a condition for allowance.

Conclusion

In sum, claims 1, 6, 8, 10-13, 20-25, 30, 34, 35, 40, 44, 45, 50, and 54-62, as presented herein, are patentably distinguishable over the cited references (including references cited, but not applied). Therefore, a request for reconsideration of the basis for the rejections to these claims and allowance of them is now made.

New claims 55-62 have been added for consideration and examination. These are believed to be supported by the specification and are commensurate within the scope of protection to which protection is entitled.

Respectfully Submitted,

Date: April 23, 2010

By: /Rajiv P. Patel/

Rajiv P. Patel, Attorney of Record
Registration No. 39,327
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7607
Fax: (650) 938-5200